



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
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OFFICE OF
WATER AND
WATERSHEDS

November 22, 2013

Mr. David Mabe
State Director
NOAA Fisheries
10215 W. Emerald
Boise, Idaho 83704

Mr. Russ Holder
Assistant State Supervisor
U.S. Fish and Wildlife Service
1387 S. Vinnell, Suite 377/368
Boise, Idaho 83709

Re: Revised Action for Consultation on EPA Approval of State of Idaho Water Quality
Standards for Numeric Criteria for Toxic Substances

Dear Mr. ^{David}~~Mabe~~ and Mr. ^{Russ}~~Holder~~:

On December 22, 1999 and January 7, 2000, the National Marine Fisheries Service and the U.S. Fish and Wildlife Service (the Services) received the U.S. Environmental Protection Agency's final biological assessment (BA) and request to initiate formal consultation on the State of Idaho's water quality standards for numeric criteria for toxic substances. The BA analyzed the effects of EPA's approval of Idaho's numeric criteria of toxic pollutants to listed threatened and endangered species and critical habitat in Idaho.

The BA included an assessment of the potential effects of the following numeric criteria to species of concern: arsenic, cadmium, copper, cyanide, endosulfan, lead, mercury, selenium, zinc, aldrin/dieldrin, chlordane, chromium III, chromium VI, DDT, endrin, heptachlor, lindane, nickel, PCBs, pentachlorophenol, silver, and toxaphene. Subsequent to the EPA's submittal of the BA, several actions have occurred relative to six of the pollutants. Therefore, the EPA is revising the action for the consultation as discussed below.

In 2010, the EPA submitted a biological evaluation of our proposed approval action of Idaho's revised aquatic life criteria for cadmium. In 2011, the Services concurred with the EPA's determination that the proposed approval of Idaho's aquatic life criteria for cadmium and the low end cap on hardness for cadmium was not likely to adversely affect listed threatened and endangered species and critical habitat. Therefore, because consultation has been completed for cadmium via a separate action, the EPA is revising the action for this consultation to exclude cadmium.

In addition, Idaho adopted and the EPA subsequently approved revised aquatic life criteria for arsenic, chromium III, chromium VI, nickel, and zinc. For this reason, the EPA is revising the action for the consultation by replacing the criteria for these pollutants with the following:

	<i>Acute</i> ($\mu\text{g/l}$)	<i>Chronic</i> ($\mu\text{g/l}$)
<i>Arsenic</i>	340	150
<i>Chromium (III)</i>	570	74
<i>Chromium (VI)</i>	16	11
<i>Nickel</i>	470	52
<i>Zinc</i>	120	120

It is important to note that, although the acute and chronic criteria have been revised for the above pollutants, the conversion factors for converting these criteria from dissolved to total recoverable remain unchanged and, therefore, are the same as those included in the BA. A table of Idaho's Water Quality Standards can be found on pages 40-41 of the BA. However, the EPA thought it would be helpful to provide an updated table with footnotes, recognizing the changes discussed above. Therefore, an updated table is enclosed.

Determinations

As described in the BA, the EPA has made the following determinations for the EPA's approval of Idaho's revised acute and chronic arsenic, chromium (III), chromium (VI), nickel, and zinc criteria: "Not likely to adversely affect" all species, which include Bliss Rapids snail, Banbury Springs lanx, Snake River physa snail, Bruneau hot springsnail, Kootenai River white sturgeon, bull trout, Snake River sockeye salmon, Snake River spring/summer chinook salmon, Snake River fall chinook salmon, Snake River steelhead, grizzly bear, Canada lynx, Northern Idaho ground squirrel, southern Selkirk Mountains woodland caribou, water howellia, MacFarlane's four o'clock, Ute ladies' tresses, and Spalding's catchflies. Although the action for this consultation for the above criteria has been modified, the EPA is not modifying the determinations in the BA.

In recognition that Idaho springsnail, Utah valvata snail, Bald eagle, Peregrine falcon, and Gray wolf have been delisted and Whooping cranes are no longer considered an extant species in Idaho, the EPA is withdrawing our consultation request pertaining to these species in this revised action request.

The EPA acknowledges that critical habitat for some of the listed species in Idaho was designated after the EPA's original BA submission. However, in the interest of maintaining our mutually agreed upon consultation schedule, it is untenable to provide a formal supplement to address effects to critical habitat for those species. In addition, since this action addresses water quality, which is an important element of critical habitat, the analyses of listed species and critical habitat would be very similar for this action. The EPA will consider providing additional information pertaining to critical habitat during the consultation process. We believe this arrangement, in concert with our previous analyses on the listed species, will provide sufficient

information for the Services to address the potential effects on critical habitat in the biological opinions.

The EPA also notes that recent toxicological analyses for arsenic, chromium, nickel, and zinc are included in the EPA's 2008 biological evaluation and the Services' 2012 biological opinions on the EPA's approval of Oregon's water quality standards. In addition, NMFS' February 2013 draft biological opinion on the EPA's approval of Idaho aquatic life toxic criteria provides some toxicological information and analysis on the revised criteria. These three documents may be useful references in the analysis of this revised action.

As you know, we previously agreed to a deadline of March 31, 2014, for NMFS to issue its final biological opinion for this action and January 30, 2015, for FWS. Please let EPA know if these revisions to the proposed action will result in an additional workload that will require further discussion. We look forward to working with you and your staff to complete this consultation. If you have any questions or wish to discuss this matter further, please call Lisa Macchio at (206) 553-1834 or me at (206) 553-6511.

Sincerely,

A handwritten signature in black ink, appearing to read 'Angela Chung', written in a cursive style.

Angela Chung
Water Quality Standards Unit Manager
Office of Water and Watersheds

Enclosure